

Legislative Policy Committee Meeting. February 4, 2016

III. Items for Consideration. A. - R.

52nd Legislature - 2nd Regular Session, 2016

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LPC2416

Bill Summaries

H2446: PROHIBITED WEAPON; DEFINITION; EXCLUSIONS

The items included in the definition of "prohibited weapons" do not include any firearms or devices that are possessed in compliance with the National Firearms Act or for which an application to make or transfer a firearm under the Act is pending. Previously, the items did not include any firearms or devices registered in the national firearms registry and transfer records of the U.S. Treasury Department.

First sponsor: Rep. Livingston

Others: Rep. J. Allen, Sen. S. Allen, Rep. Barton, Rep. Borrelli, Rep. Bowers, Sen. Burges, Rep. Campbell, Rep. Coleman, Rep. Fann, Rep. Kern, Rep. Larkin, Rep. Lawrence, Rep. Lovas, Rep. Mesnard, Rep. Mitchell, Rep. Montenegro, Rep. Norgaard, Rep. Rivero, Rep. Shope

H2446 Daily History

Date Action

PROHIBITED WEAPON; DEFINITION; EXCLUSIONS 2/3 House jud held.

PROHIBITED WEAPON; DEFINITION; EXCLUSIONS 1/25 referred to House jud.

H2554: VETERANS COURT; ESTABLISHMENT; MANDATORY REFERRALS

The presiding judge of the superior court in each county is required to establish a veterans court to adjudicate cases filed in the superior court, a justice court, or a municipal court. The judge must establish the eligibility criteria for referral to the court. The criteria must include a mandatory referral requirement for any case that is filed against a veteran and that alleges only a violation of aggravated driving under the influence.

First sponsor: Rep. Lawrence

H2554 Daily History

Date

Action

No actions posted for this bill.

H2586: DEPENDENCY; HOUSEHOLDS; FELONY REPORTS

The Department of Child Safety is required to adopt rules regarding the return of a child after a determination of dependency that include conducting a criminal background check of any members of the household to which the child will be returned and all persons who have access to the home and the child on a continual basis and of a biological parent of the child whose parental rights have not been terminated, and that if any criminal background check indicates that a person has been arrested for, charged with or convicted of a felony offense that involved conduct that poses an imminent threat of danger to the child, the child may not be returned if there is significant evidence that an imminent threat to children cannot be reasonably mitigated by planning and action taken by the Dept in partnership with the nonoffending parent, familial resources or providers. Factors that must be considered when determining the existence of an imminent threat of danger are specified.

First sponsor: Rep. Brophy McGee

Others: Rep. J. Allen, Rep. Bowers, Rep. Carter

H2586 Daily History

Date

Action

No actions posted for this bill.

H2590: DUI; IGNITION INTERLOCK REQUIREMENT; DRUGS

Conviction of driving a motor vehicle while under the influence of a drug and/or vapor releasing substance is removed from the list of grounds for mandatory revocation of a driver license. The Court is permitted, instead of required, to order a person convicted of a violation of driving under the influence (DUI) or aggravated DUI to equip any motor vehicle the person operates with a certified ignition interlock device. Effective January 1, 2017.

First sponsor: Rep. Borrelli

H2590 Daily History	Date	Action
No actions posted for this bill.		

H2593: INTERSECTION; DEFINITION

For the purposes of traffic and vehicle regulation, the definition of "intersection" includes the area within a crosswalk or beyond a designated stop line if a stop line, yield line or crosswalk is designated on the roadway, and does not include the junction of an alley or driveway with a roadway unless controlled by a traffic control device.

First sponsor: Rep. Ackerley
Others: Rep. Campbell, Rep. Gray

H2593 Daily History	Date	Action
No actions posted for this bill.		

S1126: PRISONER TRANSITION PROGRAM; ELIGIBILITY; TERMINATION

The list of eligibility criteria for inmates to be placed in the Department of Corrections Transition Program is modified to allow inmates convicted of driving under the influence to participate. Transition services are required to include psychoeducational counseling and case management services. The annual study to determine the recidivism rate of inmates who participate in the Program must include the recidivism rate of inmates who have been released from incarceration for a minimum of three years after receiving Program services. In FY2016-17, the Dept is required to have a target number of 3,500 eligible inmates in the Program. In FY2017-18, the Dept is required to have a target number of 5,000 eligible inmates in the Program. The termination date for the Program is extended two years, to July 1, 2020, from July 1, 2018.

First sponsor: Sen. Smith
Others: Sen. Barto, Rep. Brophy McGee, Sen. Farley, Rep. Meyer

S1126 Daily History	Date	Action
PRISONER TRANSITION PROGRAM; ELIGIBILITY; TERMINATION	2/3	Senate pub-mil-tech amended; report awaited.
PRISONER TRANSITION PROGRAM; ELIGIBILITY; TERMINATION	1/27	Senate pub-mil-tech held.
PRISONER TRANSITION PROGRAM; ELIGIBILITY; TERMINATION	1/19	referred to Senate pub-mil-tech.

S1228: DUI; DRUGS; IGNITION INTERLOCK REQUIREMENT

The Department of Transportation is required to remove the requirement that a person maintain a functioning certified ignition interlock device if the Dept finds that the person is convicted only of a violation of driving while under the influence of any drug, and/or vapor releasing substance or a violation of aggravated driving while under the influence of drug if the violation did not involve intoxicating liquor. An order that requires the installation of a functioning certified ignition interlock device is required to state that the person may request an administrative review within 15 days if the person was convicted of those violations. The administrative review process is specified.

First sponsor: Sen. Kavanagh

S1228 Daily History	Date	Action
DUI; DRUGS; IGNITION INTERLOCK REQUIREMENT	1/21	referred to Senate trans.

S1293: MEDIATION; CONFIDENTIAL COMMUNICATIONS; EXCEPTION

The list of communications made during the mediation process that are exempt from confidentiality requirements is expanded to include a disclosure made in a report to a law enforcement officer, the Department of Child Safety or Adult Protective Services by a court appointed mediator who reasonably believes that a minor or vulnerable adult is or has been a victim of abuse, neglect or another "reportable offense" (defined elsewhere in statute).

First sponsor: Sen. Driggs

S1293 Daily History	Date Action
MEDIATION; CONFIDENTIAL COMMUNICATIONS; EXCEPTION 2/2	from Senate rules okay.
MEDIATION; CONFIDENTIAL COMMUNICATIONS; EXCEPTION 2/1	to Senate consent calendar.
MEDIATION; CONFIDENTIAL COMMUNICATIONS; EXCEPTION 1/28	from Senate jud do pass.
MEDIATION; CONFIDENTIAL COMMUNICATIONS; EXCEPTION 1/26	referred to Senate jud.

S1352: ELECTRONIC COMMUNICATIONS; PRIVACY RIGHTS

A government entity that executes a search warrant is required to serve on or deliver to the identified targets of the search warrant a notice that informs the recipient that information about the recipient has been compelled or requested and contains other specified information. When a search warrant is sought, the government entity may request an order delaying notification and prohibiting any party providing information from notifying any other party that information has been sought. If the court determines that there is reason to believe that notification may have an "adverse result" (defined), the court must issue the order for up to 90 days. Except as provided by statute, a government entity is prohibited from compelling the production of or access to electronic device information from any person or entity other than the authorized possessor of the device, and from accessing electronic device information by means of physical interaction or electronic communication with the device. Some exceptions. Establishes requirements for search warrants for electronic information. A person who is detained or arrested and who possesses an electronic device that requires a "biometric identifier" (defined) to access the device is not required to provide the biometric identifier unless a valid search warrant has been issued for the biometric identifier. Also repeals statutes governing emergency interception, stored oral, wire and electronic communications, records preservation requests and communication service records. More.

First sponsor: Sen. Dial

S1352 Daily History	Date Action
ELECTRONIC COMMUNICATIONS; PRIVACY RIGHTS 1/28	referred to Senate jud, pub-mil-tech.

S1377: SENTENCE ENHANCEMENTS; UNLAWFUL PRESENCE; RELEASE

If a person is convicted of committing any felony offense and the trier of fact determines that the person was unlawfully present in the U.S. under federal law at the time of the commission of the offense, the court is required to sentence the person to imprisonment for at least the presumptive sentence and the person is not eligible for probation, suspension of sentence, community supervision, commutation or release on any basis until the sentence is served. If a person is convicted of committing any misdemeanor offense and the trier of fact determines that the person was unlawfully present in the U.S. under federal law at the time of the commission of the offense, the court is required to sentence the person to imprisonment for the maximum term of imprisonment in jail and the person is not eligible for probation, suspension of sentence, community supervision, commutation or release on any basis until the sentence is served. Statute allowing the Department of Corrections to release a prisoner to the custody and control of the U.S. Immigration and Customs Enforcement if the Dept receives an order of deportation and other specified conditions are met.

First sponsor: Sen. Smith

S1377 Daily History	Date Action
SENTENCE ENHANCEMENTS; UNLAWFUL PRESENCE; RELEASE 2/3	Senate pub-mil-tech amended; report awaited.
SENTENCE ENHANCEMENTS; UNLAWFUL PRESENCE; RELEASE 1/28	referred to Senate pub-mil-tech.

S1406: REPORTING; UNTESTED SEXUAL ASSAULT KITS

By January 1, 2017, each "criminal justice agency" (defined) that is charged with the maintenance, storage and preservation of "sexual assault collection kits" (defined) is required to conduct a physical inventory of all the kits that are being stored by the agency, compile a written report containing the number of "untested kits" (defined), the date the kit was collected and the reason why the kit is currently untested, and submit the report to the Department of Public Safety's crime laboratory. By March 1, 2017, the crime laboratory is required to report this information in aggregate to the Legislature.

First sponsor: Sen. Hobbs

Others: Rep. Alston, Rep. Boyer, Sen. Bradley, Sen. Cajero Bedford, Sen. Contreras, Sen. Dalessandro, Sen. Farley, Rep. Fernandez, Rep. Friese, Sen. Lesko, Rep. McCune Davis, Sen. McGuire, Rep. Mendez, Rep. Mesnard, Sen. Pancrazi, Rep. Plumlee, Sen. Quezada, Rep. Rios, Sen. Sherwood, Sen. Shooter, Sen. Smith

S1406 Daily History**Date Action**

REPORTING; UNTESTED SEXUAL ASSAULT KITS 2/1 referred to Senate jud, pub-mil-tech.

S1410: SEXUAL ASSAULT VICTIM ADVOCATES; PRIVILEGE

In a civil action, a "sexual assault victim advocate" (defined) is prohibited from being examined as to any communication made by the sexual assault victim to the advocate. Some exceptions. Sexual assault victim advocates are added to the list of persons with a duty to report a reasonable belief of abuse or neglect that is developed in the course of their employment.

First sponsor: Sen. Hobbs

Others: Sen. Bradley, Sen. Cajero Bedford, Sen. Contreras, Sen. Dalessandro, Sen. Driggs, Sen. Farley, Sen. Pancrazi, Sen. Quezada, Sen. Sherwood, Sen. Shooter

S1410 Daily History**Date Action**

SEXUAL ASSAULT VICTIM ADVOCATES; PRIVILEGE 2/1 referred to Senate jud.

S1439: PRISONERS; MENTAL HEALTH; TRANSITION PROGRAM

The Department of Corrections is required to establish a mental health transition pilot program for offenders who are released on community supervision and who the Dept determines would benefit from mental health care. Activities that must be included in the pilot program are specified. The Dept is required to order at least a specified number of prisoners to participate in the program each year as follows: 600 eligible prisoners in FY2016-17, 800 eligible prisoners in FY2017-18, and 1000 prisoners in FY2018-19 and after. The pilot program terminates on July 1, 2026.

First sponsor: Sen. Barto

Others: Sen. S. Allen, Sen. Begay, Sen. Burges, Sen. Donahue, Sen. Driggs, Sen. D. Farnsworth, Sen. Hobbs, Sen. Lesko, Sen. McGuire, Sen. Miranda, Sen. Shooter, Sen. Smith, Sen. Worsley, Sen. Yee

S1439 Daily History**Date Action**

PRISONERS; MENTAL HEALTH; TRANSITION PROGRAM 2/1 referred to Senate hel-hu ser, jud.

S1449: UNMANNED AIRCRAFT; PROHIBITED OPERATIONS

A person is prohibited from operating a "model aircraft" or "civil unmanned aircraft" (both defined) if the operation is prohibited by federal law or regulation, violates a temporary flight restriction or notice, interferes in the operation of a manned aircraft, interferes with a law enforcement or firefighter operation, is in a careless or reckless manner that endangers the life or property of another person, or causes the intentional killing of a bird or animal while in flight. A person is prohibited from operating a model aircraft within specified distances of a "critical facility" (defined) without the written consent of the entity that lawfully owns, operates or controls the facility. Some exceptions. The list of acts that constitute disorderly conduct, a class 1 (highest) misdemeanor, is expanded to include if a person, with intent to disturb the peace or quiet of a neighborhood, family or person or with knowledge of doing so, operates a

model aircraft or civil unmanned aircraft in dangerous proximity to a person or a person's property unless the person has consented to the operation. Beginning on the effective date of this legislation and for three years after, the Department of Transportation is required to monitor the Federal Aviation Administration's regulation of model aircraft, civil unmanned aircraft and public unmanned aircraft, and consult with specified stakeholders on whether amendments to this legislation are necessary due to changes in federal regulations.

First sponsor: Sen. Kavanagh

S1449 Daily History

Date Action

UNMANNED AIRCRAFT; PROHIBITED OPERATIONS 2/2 referred to Senate jud, trans.

S1452: UNLAWFUL EXECUTIVE ACTIONS; SECOND AMENDMENT

Any executive order or action that limits the rights guaranteed to a citizen of Arizona by the second amendment to the U.S. Constitution and that is not consistent with the U.S. Constitution and state Constitution is an unlawful executive order or action and is not recognized by the state. A person or agency or political subdivision is prohibited from knowingly and willingly enforcing, administering or cooperating with an unlawful executive order or action. Any Arizona resident has standing in any court of record to bring suit against any person or agency or political subdivision to remedy any violation of this prohibition. A court is required to give preference to an action brought under this legislation over other civil actions or proceedings pending in the court.

First sponsor: Sen. S. Allen

S1452 Daily History

Date Action

UNLAWFUL EXECUTIVE ACTIONS; SECOND AMENDMENT 2/2 referred to Senate fed-man-fiscal.

S1453: JUDICIAL ELECTIONS; TERM; REQUIREMENTS

Various changes relating to eliminating the merit selection of justices and judges and providing instead for their election. The term of office of a Supreme Court Justice and a judge of the court of appeals is reduced to two years, from six. Judges of the court of appeals are elected instead of appointed by the Governor, and the names of all candidates for judge of the court of appeals must be placed on the regular ballot with partisan or other designation and the court and the title of the office. The Governor is required to fill any vacancy in office of a judge of the court of appeals by appointing a person of the same political party as the person vacating the office to serve until the election and qualification of a successor. Repeals the Commission on Trial Court Appointments. Judges seeking retention are removed from the list of persons exempt from campaign finance reporting requirements. Conditionally enacted on the state Constitution being amended by a vote of the people at the 2016 general election to repeal the merit selection of justices and judges and provide instead for their election.

First sponsor: Sen. Shooter

S1453 Daily History

Date Action

JUDICIAL ELECTIONS; TERM; REQUIREMENTS 2/2 referred to Senate gov.

S1471: CRIMINAL JUSTICE COMMISSION; MEMBERSHIP; REPORT

Increases the number of members of the Arizona Criminal Justice Commission to 23 members by increasing the number of members who are appointed by the Governor to 18, from 14. No more than 9 members appointed by the Governor may be from the same political party, increased from 7. The list of requirements for members appointed by the Governor is expanded to include two public defenders, one from a county with a population of \$1.5 million or more (Maricopa County) and one from a county with a population of 800,000 persons or more but less than \$1.5 million (Pima County), one crime victim advocate, and one former prison inmate who advocates for prisoner rights. The Commission is required to conduct a comprehensive review of Arizona's sentencing and corrections data and submit a report to the Legislature by December 31, 2016 the includes data-based policy recommendations for a list of specified purposes.

First sponsor: Sen. Hobbs

Others: Sen. Bradley, Sen. Cajero Bedford, Sen. Contreras, Sen. Dalessandro, Sen. Farley, Sen. McGuire, Sen. Meza, Sen. Miranda, Sen. Pancrazi, Sen. Quezada, Sen. Sherwood

S1471 Daily History**Date Action**

CRIMINAL JUSTICE COMMISSION; MEMBERSHIP; REPORT 2/2 referred to Senate jud, gov.

S1481: THEFT; BICYCLE FROM SCHOOL GROUNDS

The list of stolen property valued at less than \$1,000 that causes theft to be classified as a class 6 (lowest) felony instead of a class 1 (highest) misdemeanor is expanded to include a bicycle taken from school grounds.

First sponsor: Sen. Sherwood

Others: Rep. Andrade, Rep. Cardenas

S1481 Daily History**Date****Action**

No actions posted for this bill.